

MAR 10 2023

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE MANAGEMENT  
AUDIT OF THE DIVISION OF BOATING AND OCEAN RECREATION OF  
THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

1           WHEREAS, the mission of the Division of Boating and Ocean  
2 Recreation is to enrich the lives of people of all ages, both  
3 residents and visitors alike, by providing ocean-based  
4 opportunities, facilities, activities, skill development, and  
5 area management, including boating of all types, saltwater  
6 fishing, surfing, sailboarding, diving, ocean swimming, and  
7 other ocean activities; and  
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9           WHEREAS, the Division of Boating and Ocean Recreation  
10 manages the small boat harbors and boating facilities in the  
11 State, which are part of the State's ocean recreation and  
12 coastal areas programs under chapter 200, Hawaii Revised  
13 Statutes; and  
14

15           WHEREAS, the proper maintenance and operation of the  
16 State's small boat harbors and boating facilities allow people  
17 to benefit from the State's natural resources through  
18 recreational boating, commercial and personal fishing, and other  
19 maritime-related operations; however, the management of small  
20 boat harbors and boating facilities has been a recurring problem  
21 for the State; and  
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23           WHEREAS, in the last management audit of the Division of  
24 Boating and Ocean Recreation, conducted in 2001, the Auditor  
25 found that the boating program's mismanagement and neglect have  
26 allowed facilities to deteriorate to the point where the  
27 continued use of the facilities threatens public safety, as many  
28 facilities need major repairs and face permanent closure if the  
29 problems are not addressed; and  
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1           WHEREAS, the Auditor also found that many of the problems  
2 facing the Division of Boating and Ocean Recreation stemmed from  
3 poor planning, an insufficient fee structure, paying a  
4 disproportionate share of the Department's enforcement expenses,  
5 and funding programs with special fund monies that should be  
6 supported by general funds and that little had changed since  
7 these deficiencies had been reported in prior audits in 1993 and  
8 1998; and  
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10           WHEREAS, the Auditor further found that the Division of  
11 Boating and Ocean Recreation lacked adequate controls to ensure  
12 the accuracy and integrity of its financial affairs; and  
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14           WHEREAS, the Auditor recommended the creation of a  
15 strategic plan to address the short- and long-term issues facing  
16 the Division of Boating and Ocean Recreation, such as ensuring  
17 proper funding to address repair and maintenance issues;  
18 ensuring the Division receives the Division's fair share of  
19 enforcement services; stepping up requirements for boating and  
20 mooring permits, certifications, and registrations; and  
21 establishing better controls over the Division's financial  
22 activities; and  
23

24           WHEREAS, in 2019, the Division of Boating and Ocean  
25 Recreation published its first strategic plan, *Modernizing Ocean*  
26 *Recreation Management in Hawaii: Strategic Action Plan - 2019*,  
27 which identified three goals; and  
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29           WHEREAS, the first identified goal is to expand ocean  
30 recreation management to meet the Division of Boating and Ocean  
31 Recreation's statutory mandate, as the Division uses much of its  
32 resources on boating harbors and facilities management in  
33 contrast to resources used on ocean recreation management; and  
34

35           WHEREAS, the second identified goal is to provide world-  
36 class boating facilities and services to meet the needs of ocean  
37 recreation enthusiasts and the residents and visitors who  
38 participate in ocean-based activities; and  
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40           WHEREAS, the third identified goal is to effectively manage  
41 the Division of Boating and Ocean Recreation's real property,  
42 such as the utilization of state-owned fast lands, which have



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1 immense commercial development potential to attract greater  
2 traffic in harbor areas and yield higher revenues; and  
3

4 WHEREAS, despite the *Strategic Action Plan - 2019*, further  
5 improvements to the conditions of the small boat harbors and  
6 boating facilities are needed for the protection of public  
7 safety; and  
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9 WHEREAS, the newly constructed ferry pier at the Lahaina  
10 Harbor creates a rip current that sucks water under the pier,  
11 which endangers the safety of swimmers and surfers in the area  
12 and has required the rescue of multiple youth surfers; and  
13

14 WHEREAS, the Mala Boat Ramp remains largely unusable during  
15 low tide due to the accumulation of sand resulting from large  
16 south swells; and  
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18 WHEREAS, several boating harbors and facilities continue to  
19 exist in a dilapidated condition necessitating the need for  
20 further evaluation into the management of the State's small boat  
21 harbors and boating facilities; now, therefore,  
22

23 BE IT RESOLVED by the Senate of the Thirty-second  
24 Legislature of the State of Hawaii, Regular Session of 2023, the  
25 House of Representatives concurring, that the Auditor is  
26 requested to conduct a comprehensive management audit of the  
27 Division of Boating and Ocean Recreation of the Department of  
28 Land and Natural Resources; and  
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30 BE IT FURTHER RESOLVED that the comprehensive management  
31 audit is requested to:  
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- 33 (1) Assess the Division of Boating and Ocean Recreation's  
34 management of state-run boating facilities and the  
35 Division's ability to maintain and operate these  
36 facilities;  
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- 38 (2) Assess whether the Division's activities are achieving  
39 their goals and, if not, how much improvement toward  
40 meeting those goals has been made since the management  
41 audit conducted in 2001;  
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1           (3) Assess whether the Division is appropriately using  
2           taxes and fees collected within small boat harbors  
3           solely for the operation, maintenance, and improvement  
4           of those small boat harbors; and  
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6           (4) Make recommendations as appropriate; and  
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8           BE IT FURTHER RESOLVED that the Auditor is requested to  
9           submit a report of its findings and recommendations, including  
10          any proposed legislation, to the Legislature no later than  
11          twenty days prior to the convening of the Regular Session of  
12          2024; and  
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14          BE IT FURTHER RESOLVED that certified copies of this  
15          Concurrent Resolution be transmitted to the Chairperson of the  
16          Board of Land and Natural Resources and Auditor.  
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OFFERED BY: \_\_\_\_\_

